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Need for Public Defender Illustrated in the Stielow Case.—Governor Whitman's action in commuting the sentence of Charles F. Stielow under a conviction for murder in the first degree, and permitting his discharge from custody, presents a striking instance of the need for a public defender to represent indigent accused persons. The entire history of this famous case demonstrates how manufactured testimony, detective testimony, expert testimony, legal technicalities, and the powerful forces of prosecution can be utilized to jeopardize human life. The argument, so often urged, that it is impossible for an innocent man to be convicted of crime because of the "legal safeguards" provided by our system has been completely shattered by the facts developed in this case.

Stielow, the victim of a "third degree" confession, convicted of murder, four times in the shadow of the electric chair and snatched from the jaws of death at the last moment, affords a striking illustration of the possibilities of judicial murder. His final vindication is due solely to the efforts of a group of private individuals and of certain newspapers. Resort to the ordinary legal processes was wholly ineffective.

The governor stated in his recent memorandum that "had the evidence which was developed on this inquiry been presented to the trial court at the time Stielow was tried, such evidence would necessarily have resulted in a direction of a verdict for the defendant or his acquittal by a jury." Why was this evidence not produced at the trial? What is the function of a trial except to bring out the entire truth?

Governor Whitman deserves great credit for finally vindicating Stielow. Nevertheless, the facts disclosed in the case show conclusively the defects of our criminal system, the existence of obsolete "red tape," the danger of expert testimony, and the helplessness of indigent accused persons to adequately fight the prosecuting machinery.

The state should be as interested in protecting innocence as punishing guilt. The defense should have the same power and opportunity to obtain and present evidence as the prosecution. While the result achieved in the Stielow case is a triumph of innocence, it is a sad commentary on our system of jurisprudence that the state was so powerless and inefficient to prevent the wrong committed by it. Stielow is free, but how can he be compensated for the torture and imprisonment which he has suffered? Not only should the state establish the office of public defender, but it should go further and provide compensation to innocent persons convicted of crime. Radical changes in our legal system are required if justice is the desired goal.—Mayer C. Goldman, New York, May 16, 1918.

Annual Report of Public Defender of Los Angeles County, California.—

CRIMINAL DEPARTMENT

The law makes it the duty of the public defender to safeguard the rights of persons accused of crime in the Superior Court who, on account of unfortunate circumstances or lack of adequate means, are unable to defend themselves. The law expressly makes it the duty of the district attorney to prosecute those "reasonably suspected of being guilty of public offenses" and prohibits him from "acting as counsel for any person accused of any crime." We have realized that the public defender's office was created for the purpose of assisting the courts in administering justice. We have not felt that it was our duty